

AMENDMENTS TO THE DRAWINGS

The attached drawing sheets include amendments to Fig. 4, 5, and 8-13 that correct minor informalities. No new matter is being added by these drawing amendments. These sheets replace the original sheets comprising Fig. 4, 5, and 8-13.

Attachment: Replacement Sheets

REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 23, 29, and 34 have been amended as shown on pp. 3-9. In addition, the specification has been amended to correct minor informalities as indicated on p. 2. Fig. 4, 5 and 8-13 have been amended as described at pg. 10 and replacement drawing sheets are provided herewith. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 2, 3, 5-7, 9, 11, 13-15, and 17

Claims 2, 3, 5-7, 9, 11, 13-15, and 17 stand objected to because the word “wherein” is not included in the subject claims. It is respectfully submitted that this objection should be withdrawn for at least the following reasons. The Examiner contends that the subject claims do not read correctly without the word “wherein” inserted into the claims. Applicant’s representative respectfully disagrees and asserts the claims read correctly in their current form and do not require the addition of the word “wherein”. For example, claim 2 refers back to claim 1 and further limits the disconnector of claim 1. Specifically, claim 2 further limits the disconnector by reciting that the disconnector further disables operation of the equipment based on a physical lock. Claim 3, 5-7, 9, 11, 13-15 and 17 recite limitations in a similar manner. Thus, the subject claims are proper dependent claims and properly confer their limitations in their present form.

Furthermore, “wherein” clauses are an example of language that may raise a question as to the limiting effect of the language in the claim. *See* MPEP § 2106. “Wherein” clauses merely recite an intended use and, thus, are not considered limitations and are of no significance to claim construction. *See* MPEP § 2111.02. Therefore, the subject claims in their present form properly recite limitations and not merely intended uses.

In view of at least the foregoing, it is readily apparent that the subject claims read correctly, recite limitations rather than merely an intended use, and do not require the addition of the word “wherein.” Accordingly, it is respectfully requested that this objection be withdrawn.

II. Rejection of Claims 1-34 Under 35 U.S.C. §102(b)

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Honaga (US 5,796,179). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Honaga does not disclose each and every element set forth in applicant's claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a system that electronically locks the physical operation of dangerous equipment by analyzing electronic key data. In particular, independent claim 1 as amended (and similarly amended independent claims 18, 29, and 34) recites ***an electronic key data analyzer that analyzes the read electronic key data by determining parameters for disabling the dangerous equipment***. Honaga does not teach or suggest such claimed aspects.

In the subject Office action, the Examiner, by referencing the disabling controller in Honaga, incorrectly asserts that Honaga teaches an electronic key data analyzer that analyzes the electronic key data and determines parameters for disabling the dangerous equipment. Applicant's representative respectfully disagrees with such contentions. Rather, Honaga relates to a vehicle anti-theft device that includes a disabling controller that outputs an engine drive signal or an engine stop depending on whether the identification code on the ignition key transponder is valid or invalid. (*See Abstract*). The disabling controller matches the read identification code with a stored identification code to establish validity. (*See col. 8, ll. 52-60*). Thus, the disabling controller is limited to *matching* identification codes, and nowhere *analyzes the read electronic key data by determining parameters for disabling the dangerous equipment* as recited in the subject claims. Therefore, Honaga fails to teach or suggest such claimed aspects.

Moreover, independent claim 24 (and similarly amended independent claim 23) recites ***producing disconnect data based in part on the analysis of the electronic key data and the***

status of the dangerous equipment. As discussed above, Honaga relates to a disabling controller that outputs an engine drive signal or an engine stop signal depending on the validity of the identification code. These signals do not depend on the status of the engine. Consequently, Honaga is silent regarding the claimed feature of utilizing *the status of the dangerous equipment* to produce disconnect data.

In view of the at least the foregoing, it is readily apparent that Honaga does not teach or suggest each and every limitation as recited in independent claims 1, 18, 29 and 34 (and the claims that depend there from). Accordingly, it is respectfully requested that this rejection should be withdrawn.

CONCLUSION

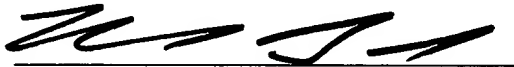
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP230US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731